

REMARKS

Claims 1-6 and 9-11 are pending in this application. Claims 1, 5 and 9 have been amended. Favorable reconsideration is respectfully requested.

Applicants thank the Examiner for the indication that claims 10 and 11 are allowed.

Claims 1-6 and 9-11 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 4,945,954 (Wehrly) in view of U.S. Patent No. 1,801,490 (Falstrom). Applicants submit that amended independent claims 1, 5 and 9 are patentable for at least the following reasons.

Amended independent claim 1 relates to a punching apparatus for punching a hole at a predetermined location on a work piece. The apparatus includes: a punch integrated into any one of a moving part of a press working machine and a supporting part of the press working machine; and a die integrated with the other one of the moving part and the supporting part, wherein each of the punch and the die has a plurality of planar surfaces to be fitted with datum planar surfaces of a fitting jig for positioning the punch and the die with respect to each other. The fitting jig has inner surfaces comprising a plurality of planar surfaces, and the datum planar surfaces of the fitting jig are arranged on the inner surfaces. A plurality of planar surfaces of the inner surfaces of the fitting jig can contact with the plurality of planar surfaces of each of the punch and the die so as to fit at least one planar surface of each of the punch and the die with a same datum planar surface of the fitting jig simultaneously. Amended independent claims 5 and 9 recite similar features.

As recited in amended independent claims 1, 5, and 9 the fitting jig comprises a plurality of inner surfaces and at least one of the inner surfaces is used as the datum planar surface(s). More than two (i.e., "a plurality of") planar surfaces of the inner surfaces can contact more than two planar surfaces of the punch and the die with a same datum planar

surface of fitting jig simultaneously, so as to orientate the punch and the die with respect to each other.

On the other hand, Wehrly shows construction of a punch and an anvil for aligning the two with respect to one another. The punch has tracks, on the corner edges, into which the rods of the anvil are inserted. However, according to Wehrly, the punch is oriented by the layout of the rods, which are to be inserted into the tracks of the punch. Therefore the punch and the anvil are not orientated by contact of the planar surfaces of the fitting jig, as specified in amended claims 1, 5, and 9. In Wehrly's structure any one of the four rods of the anvil can be inserted into any one of the four tracks of the punch, and as a result, the rotational position of the punch relative to the anvil is not uncertain.

Falstrom shows a basic construction of a punching apparatus in which a punch and a die are positioned automatically by fitting the punch to an upper bolster and fitting the die to a bottom bolster without using a jig that orientates the punch with respect to the die.

In view of the differences between Wehrly and amended claims 1, 5 and 9, there would have been no motivation to combine features of Falstrom and Wehrly in an attempt to meet the features of those claims. In any event, it is believed that even when combined, the references do not meet all of the features of the amended independent claims.

In view of the above, the amended independent claims are believed clearly patentable over the cited art.

Application No.: 09/760,593

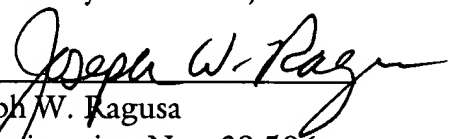
Docket No.: S3100.0003/P0003

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: November 11, 2005

Respectfully submitted,

By


Joseph W. Ragusa

Registration No.: 38,586

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicants